

**REMARKS**

This Amendment after Final is being filed on even date with the filing of an Appeal Brief in the present application.

Claim 23 has been canceled by this Amendment. Claims 1 – 12, 15 – 17, 20, 21, and 23 are canceled. Claim 18 has been amended by this Amendment. Claims 13, 14, 18, 19, and 22 remain pending in the present application.

This Amendment after Final is being filed to (a) overcome objections to the disclosure and (b) to request amendment of claim 18 to thereby overcome the rejection thereof, and the rejection of claims 13 - 14, 19, and 22 depending therefrom, under 35 U.S.C. §112, second paragraph.

In the Final Office Action dated December 13, 2007, the specification is objected to on the grounds that it is not clear how the basket support plate 1 is to be disengaged from the dishware basket 10 as disclosed and on the grounds that the operation of the guide elements 7 and 8 is not clear. Applicants refer to Figure 4 of the present application wherein it can be seen that the catch hook 6 is engaged with a horizontal strut 12 of the dishware basket and the device for adjusting the height position of a dishware basket of the present invention thus operates to retain the dishware basket in an upper or raised position via this engagement of the catch hook 6 with a horizontal strut 12 of the dishware basket. In the event that the dishware basket is be lowered from an upper position as (shown in Figure 4) into a lower position, the handle part 2" of the adjustment lever 2 is pushed inwardly toward the dishware basket, as seen in Figure 6. With reference again to Figure 4, this inward movement of the handle part 2" of the adjustment lever 2 effects a pivoting-type movement of the adjustment lever 2 in

a clockwise manner about a "fulcrum" formed by the pair of springs legs 4 connected to one end of a handle end 2' of the adjustment lever 2. This clockwise movement of the adjustment lever 2 effects a movement of the catch hook 6, which is formed at an opposite end of the handle end 2', into a recess 3, with the result that the catch hook 6 no longer engages a horizontal strut 12 of the dishware basket. The dishware basket then moves under the force of gravity to a lower position.

With respect to an understanding of the operation of the guide elements 7 and 8, Applicants refer to Figure 4, wherein it can be seen that the guide elements 7 engage vertical struts 11 of a dishware basket. In the upper or raised position of the dishware basket shown in Figure 4, the guide element 8 is not in engagement with the dishware basket. However, when the dishware basket has been lowered into a lower position, as shown in Figure 5, the guide element 8 engages a horizontal strut of the dishware basket.

Applicants also note that claim 18 recites: "... actuation movement of said handle end of said adjustment lever ... effects disengagement of a guide element of said basket support plate from the dishware basket... It is noted that the respective "guide element" that is disengaged during the recited movement need not necessarily be a guide element such as the guide elements 7 and 8. Instead, for example, the recited "guide element" can be an element such as the catch hook 6, which, as described above, disengages from its engagement with a horizontal strut 12 of the dishware basket upon inward movement of the adjustment lever 2.

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**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully request entry of this Amendment so as to place the present application in better condition for appeal. Applicants invite the Examiner to contact the undersigned attorney if the Examiner has any questions regarding this amendment.

Applicants petition for an extension of time if it is required for entry of this Amendment.

Respectfully submitted



Russell W. Warnock

Registration No. 32,860

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BSH Home Appliances Corporation  
100 Bosch Blvd.  
New Bern, NC 28562  
Phone: 252-672-7927  
Fax: 714-845-2807  
[russ.warnock@bshg.com](mailto:russ.warnock@bshg.com)